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News Release

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CONSUMER AND PRIVACY GROUPS CALL FOR CONSUMER- ENFORCABLE FEDERAL PROHIBITION AGAINST SPAMMING -- Groups Say Current Proposal Before Congress Aren't Strong Enough --

Washington, April 30, 2003-- A broad coalition of privacy, anti-spamming and consumer groups today called on the Federal Trade Commission (FTC) to recommend a consumer-enforcable Federal prohibition against spamming. The FTC is holding a major public workshop on spam and will report to Congress.

In an open letter (now available at <http://www.junkbusters.com/spams.html> and reproduced below) the groups argue that anti-spam measures currently being considered by Congress are too weak because they don't actually prohibit spamming (merely require an opt-out), and don't allow consumers to sue spammers.

"There are just too many spammers out there to leave enforcement to government agencies," said Jason Catlett, President of Junkbusters Corp. "People who are spammed should to be able to sue in small claims court, just as they can sue junk faxers and telemarketers who call at 7am."

"It has been demonstrated that an opt-out law will exacerbate the problem. The volume of spam from Korea increased by a factor of 11 in three months after a similar requirement was introduced there," said Scott Hazen Mueller, Chairman of CAUCE.org.

The signatories to the letter are: privacy groups Junkbusters Corp. and the Privacy Rights Clearing House; anti-spam groups SpamCon Foundation and CAUCE.org (Coalition Against Unsolicited Commercial Email); and consumer groups Consumer Action, the Center for Digital Democracy, Commercial Alert, and Consumers Union, publishers of Consumer Reports.

History and background: <http://www.junkbusters.com/new.html>

Full text of the letter follows:

We, the undersigned groups, representing consumer interests, urge Congress to pass legislation to empower individuals to act against senders of Unsolicited Commercial Email (UCE). The leading bill currently before Congress, S.877 (CAN-SPAM Act of

2003) does not meet two requirements that we consider essential: an opt-in policy, and a private right of action.

Because spammers impose costs on recipients, the correct policy is to prohibit it, just as Congress prohibited junk faxes in the Telephone Consumer Protection Act of 1991 (TCPA). An acceptable alternative would be to enable network owners such as ISPs to post an electronic "No Spamming" sign, as was done in the 106th Congress's H.R. 3113, which passed the House. An opt-out policy, which is taken in S. 877, will not significantly reduce the widespread damage to consumers' interests and confidence.

The second essential requirement is that recipients of UCE have a private right of action. Liquidated damages of \$500, as in the TCPA, are appropriate. ISPs should also have a right of action, but leaving enforcement solely to them, or state or federal regulators would leave far too many spammers breaking the law.

Beyond these fundamental requirements are numerous details, including a narrow exemption for existing business relationships such as the one that Federal Trade Commission (FTC) arrived at in their Telemarketing Sales Rule this year.

The definition of a solicitation should be carefully limited to avoid any impact on non-commercial speech, such as speech about religion or politics. Measures against typical spammer tactics such as the falsification of return addresses and other headers are desirable but not sufficient.

We urge members of Congress to pass anti-spam legislation with an opt-in policy and a private right of action. We also ask the FTC to recommend and support such legislation.

Respectfully

Jason Catlett, President, Junkbusters Corp.; Jeff Chester, Executive Director, Center for Digital Democracy; Tom Geller, Secretary, SpamCon Foundation; Beth Givens, Director, Privacy Rights Clearing House; Ken McEldowney, Executive Director, Consumer Action; Scott Hazen Mueller, Chairman, CAUCE.org (Coalition Against Unsolicited Commercial Email); Chris Murray, Legislative Counsel, Consumers Union; Gary Ruskin, Executive Director, Commercial Alert;